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May 24, 2012

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Rural Independent Competitive Alliance, Petition for Declaratory Ruling;
Blackfoot Communications, Inc., Request for Review of Decision of
Universal Service Administrator. WC Docket No. 06-122

Universal Service Contribution Methodology, WC Docket No. 06-122

A National Broadband Plan For Our Future, GN Docket No. 09-51

Ex Parte Notice

Dear Ms. Dortch:

On May 23, 2012, Gregory W. Whiteaker, representing Blackfoot Communications, Inc. ("Blackfoot"); and I, representing the Rural Independent Competitive Alliance ("RICA"), met with Carol Matthey, Deputy Chief, Wireline Competition Bureau, and Vickie S. Robinson, Deputy Chief, Telecommunications Access Policy Division, to discuss the above proceedings.

We began the discussion of the pending proceedings by reference to paragraphs 345 to 349 of the current Further Notice of Proposed Rulemaking, FCC 12-46. We agreed with the Commission's proposal that future revisions of Form 499-A and the accompanying instructions, to the extent they impose substantive requirements not reflected in the Commission's rules, be submitted to a notice and comment process consistent with the Administrative Procedure Act ("APA"). We noted that in addition to providing notice and comment, the APA requires that the agency issue a decision that includes discussion of the relevant issues raised in the comments.

We requested that the Bureau act on the pending Request for Review and Petition for Declaratory Ruling. We reiterated the arguments in the Request for Review and Petition for Declaratory Ruling that the Commission has never applied its jurisdictional separation regime to

competitive Local Exchange Carriers (“CLECs”) and that the instructions to the Form 499-A – which are adopted without APA notice and comment – do not in and of themselves have the force of binding rules and may not impose new substantive obligations on filers. In response to staff questions regarding the amount of contributions that could be affected by an order addressing the pending Request for Review and Petition for Declaratory Ruling, we agreed to provide further information in the near future.

Sincerely yours

David Cosson
Counsel to Rural Independent Competitive Alliance

cc: Carol Matthey
Vickie Robinson